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OUR FILE NUMBER:

05527.004
448850v1

October 31, 2003

LOS ANGELES COUNTY BOARD OF SUPERVISORS
500 West Temple Street, Room 385
Los Angeles, CA 90012
Attention: Janet Logan, Agenda Preparation

Re: Request for Approval of Proposed Property Transaction
Hacienda La Puente Unified School District

Dear Ms. Logan:

Enclosed please find the proposed Resolution and the Recommendation Letter to the Los Angeles County Board of Supervisors from the Hacienda La Puente Unified School District ("District") with regard to the District's proposed property transaction with the La Puente Valley Historical Society. The purpose of this letter is to request your assistance in forwarding the Resolution and Recommendation Letter to County Counsel for review and approval.

We plan to submit the Recommendation Letter and Resolution, after approval by County Counsel, to the Executive Office for placement on the next available Agenda.

Please let me know if you have any questions or comments regarding the enclosures. Thank you for your kind assistance.

Yours truly,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO



Constance J. Schwindt

CJS/cjs

Enclosures

cc: Dr. Richard Stedry



HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT

DIVISION OF BUSINESS SERVICES

15959 EAST GALE AVENUE · P.O. BOX 60002 · CITY OF INDUSTRY, CA 91716-0002

VOICE: (626) 933-3820 · FAX: (626) 933-3822

RICHARD A. STEDRY, Ed.D., Chief Business Officer

October 28, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**RECOMMENDATION TO APPROVE THE HACIENDA LA PUENTE
UNIFIED SCHOOL DISTRICT'S PROPOSED LEASE OF PROPERTY
TO THE HISTORICAL SOCIETY IN ACCORDANCE WITH
CALIFORNIA EDUCATION CODE SECTION 17482**

(FIRST DISTRICT) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt and instruct the Chair to sign the Resolution approving the Hacienda La Puente Unified School District's ("District") proposed Lease Agreement ("Agreement") in which the District will lease that real property commonly known as the John A. Rowland Home and Museum (collectively the "Property") located at 15959 East Gale Avenue, City of Industry, California, identified as Assessors Parcel Number 8245-004-907, a true and correct legal description is attached hereto as Exhibit "A" and made a part hereof, to the La Puente Valley Historical Society ("Historical Society") in accordance with Education Code Section 17482.
2. Find that the proposed lease of the Property to the Historical Society complies with Education Code Section 17482 as follows:
 - a. The sale or lease is to be made to an incorporated nonprofit tax-exempt community or civic organization with a membership comprised predominantly of persons residing in the community in which the building and site are situated; and
 - b. The building is not suitable for school purposes; and

Vision Statement:

The Hacienda La Puente Unified School District is a community committed to developing lifelong learners who value themselves and the diversity of all people; apply decision-making skills leading to responsible actions; and use creativity, critical thinking, and problem solving in meeting the challenges of a changing society.

c. The building has a historic value and its preservation and utilization for the benefit of the community will best be ensured by sale or lease to an organization that qualifies as an incorporated nonprofit tax-exempt community or civic organization with a membership comprised predominantly of persons residing in the community in which the building and site are situated; and

d. The sale or lease is to be executed for a consideration to inure to the school district reflecting the fair market value of the property, or its fair rental value, as the case may be, except that the sale may be executed for a consideration that is less than the fair market value of the property if all of the following conditions exist:

(1) More than 50 percent of the buildings on the site have been designated as historically significant by the State Historical Resources Commission; and

(2) For a period of 25 years, commencing with the date that possession of the property is transferred, the building or buildings designated pursuant to paragraph (1) shall be used and maintained for public benefit as an historical resource, and the site shall otherwise be available for public access and use, including, but no limited to, park and recreational uses. Any violation of this condition shall result in the automatic reversion of title to the property so transferred, without remuneration, to the transferor school district. The condition set forth in this paragraph does not prohibit any use of the site that is necessary or appropriate to its use and maintenance for historical purposes; and

(3) The consideration paid is equal to or greater than the sum of the actual cost of the acquisition of the property by the school district and the actual cost of any capital improvements made to the property;

e. Adequate provision has been made in connection with the sale or lease transaction to protect the district against all civil liabilities which might arise in connection with any use of the building and site.

PURPOSE / JURTIFICATION OF RECOMMENDED ACTIONS

Approval of the recommended action will allow the District to lease the Property to the Historical Society. The Historical Society will make certain agreed upon improvements to the Property in keeping with the goal of preserving the Property's history and fostering further understanding of the Property's history in the community. The improvements will consist of maintenance and minor alteration of existing facilities on the Property in order to ensure the safe and proper functioning of utilities on the Property, including power, sewer, gas and water lines.

The term of the Agreement between the District and the Historical Society will be year to year with the District retaining the right to cancel the lease prior to May 1st of each year that the Agreement is in effect. In the event that the Historical Society fails to make the agreed upon improvements to the Property, the Property will revert back to the District.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed recommendation furthers the goals of the District, the Historical Society and the community to preserve the community's historical resources and make them accessible to the public. Your Board's approval of this recommendation will allow the Historical Society to undertake improvements to and preservation of the John A. Rowland Home and Museum for the benefit of the community.

FISCAL IMPACT/FINANCING

The proposed Agreement will result in no additional costs to the County or the District. The Agreement will require the Historical Society to make specified improvements to the Property at the Historical Society's sole cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

1. **HISTORICAL FACTS:** The Property is an important part of Southern California's history. The John A. Rowland Home was built in the 1840's by John A. Rowland who, along with William Workman, organized and led the first wagon train of permanent eastern settlers to Southern California. Rowland and Workman owned and developed the 48,790-acre La Puente Rancho which previously had belonged to the San Gabriel Mission and on which the Property is located.

2. **LEGAL REQUIREMENTS:** California Education Code Section 17482 requires the District to obtain approval from the Los Angeles County Board of Supervisors in order to sell or lease property without complying with the provisions under Article 4 of the Education Code regarding the disposal of surplus property. The District has complied with the requirements set forth in Section 17482 as follows:

- a. As required under Section 17482(a), the Historical Society qualifies as an incorporated nonprofit tax-exempt community or civic organization with a membership comprised predominantly of persons residing in the community in which the Property is situated.
- b. As required under Section 17482(b), the Property is not suitable for school purpose because it is a significant historical site.
- c. As required under Section 17482(c), the Property has a historic value and its preservation and utilization for the benefit of the community will best be ensured by the lease to the Historical Society.
- d. As required under Section 17482(d), the lease may be executed for a consideration that is less than the fair market value of the property because all of the following conditions exist.
 - (1) More than 50 percent of the buildings on the Property have been designated as historically significant by the State Historical Resources Commission;
 - (2) For a period of 25 years, commencing with the date that possession of the property is transferred, the building or buildings designated pursuant to paragraph (1) shall be used and maintained for public benefit as an historical resource, and the site shall otherwise be available for public access and use, including, but not limited to, park and recreational uses. Any violation of this condition shall result in the automatic reversion of title to the property so transferred, without remuneration, to the District.
 - (3) The District acquired the Property through a donation and has not made any improvements to the Property, therefore, the consideration paid under the Agreement is equal to or greater than the sum of the actual cost of the acquisition of the property by the District and the actual cost of any capital improvements made to the property.

- e. As required under Section 17482(e), adequate provision has been made in connection with the sale or lease transaction to protect the District against all civil liabilities which might arise in connection with any use of the building and site.

The District requests that the Board's approval include a finding that the District has complied with the Section 17482 requirements as explained above.

ENVIRONMENTAL DOCUMENTATION

Adoption of this resolution and the approval of the Agreement is categorically exempt from the California Environmental Quality Act ("CEQA") under Class 1, section (d) because the improvements to the Property by the Historical Society involve maintenance and minor alteration of existing facilities that will not significantly change the purpose or size of the facilities affected.

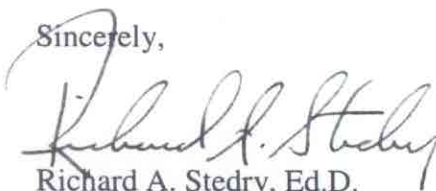
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to return one original and two conformed copies of the signed Resolution to Dr. Richard A. Stedry, Chief Business Officer, Hacienda La Puente Unified School District, 15959 E. Gale Avenue, P.O. Box 60002, City of Industry, CA 91716-0002

Sincerely,



Richard A. Stedry, Ed.D.
Chief Business Officer

RAS:nr

Attachment: Exhibit "A" Legal Description

c: Chief Administrative Officer
Executive Officer, Board of Supervisors

**APPROVAL OF THE HACIENDA LA PUENTE UNIFIED SCHOOL
DISTRICT'S PROPOSED TRANSFER OF SURPLUS PROPERTY TO
THE HISTORICAL SOCIETY IN ACCORDANCE WITH CALIFORNIA
EDUCATION CODE SECTION 17482**

A. WHEREAS, the Hacienda La Puente Unified School District ("District") desires to enter into a property transaction with the La Puente Valley Historical Society ("Historical Society") in which the District will lease the real property commonly known as the John A. Rowland Home and Museum (collectively the "Property") located at 15959 East Gale Avenue, City of Industry, California, identified as Assessors Parcel Number 8245-004-907, to the Historical Society; and

B. WHEREAS, the proposed Lease Agreement between the District and the Historical Society (Agreement) will include the following terms and conditions:

1. A year to year term with the District retaining the right to cancel the Agreement prior to May 1st of each year that the Agreement is in effect; and

2. A requirement that the Historical Society shall make certain specified improvements to the Property; and

3. A reverter clause that, if the Historical Society does not improve the Property as set forth in the Agreement, the Property will revert back to the District; and

WHEREAS, the Historical Society qualifies as an incorporated nonprofit tax-exempt community or civic organization with a membership comprised predominantly of persons residing in the community in which the Property is situated; and

WHEREAS, the Property is not suitable for school purpose because it is a significant historical site; and

WHEREAS, the Property has a historic value and its preservation and utilization for the benefit of the community will best be ensured by entering into the Agreement leasing the Property to the Historical Society; and

WHEREAS, the lease may be executed for a consideration that is less than the fair market value of the Property because all of the following conditions exist:

(1) More than 50 percent of the buildings on the Property have been designated as historically significant by the State Historical Resources Commission; and

(4) For a period of 25 years, commencing with the date that possession of the property is transferred, the building or buildings designated as historically significant shall be used and maintained for public benefit as an historical resource, and the site shall otherwise be available for public access and use,

including, but not limited to, park and recreational uses. Any violation of this condition shall result in the automatic reversion of title to the property so transferred, without remuneration, to the District; and

(5) The District acquired the Property through a donation and has not made any improvements to the Property, therefore, the consideration paid under the Agreement is equal to or greater than the sum of the actual cost of the acquisition of the property by the District and the actual cost of any capital improvements made to the property; and

WHEREAS, adequate provision has been made in connection with the Agreement to protect the District against all civil liabilities which might arise in connection with any use of the Property;

NOW, THEREFORE BE IT RESOLVED: That, pursuant to California Education Code Section 17482, the Board approves the District's proposed Agreement and finds that the District has complied in full with the requirements set forth in Section 17482.

The foregoing resolution was on the _____ day of _____ 2003 adopted by the Board of Supervisors of the County of Los Angeles.

COUNTY OF LOS ANGELES

By _____
Chair, Board of Supervisors

Attest: Violet Varona-Lukens
Executive Officer-Clerk of
the Board of Supervisors

By _____
Deputy